

In the Supreme Court of the State of Alaska

Eric Forrer,

Appellant,

v.

**State of Alaska, Lucinda Mahoney,
and Alaska Municipal League,**
Appellees.

Supreme Court No. **S-17377**

Order

Attorney's Fees

Date of Order: **2/5/2021**

Trial Court Case No. **1JU-18-00699CI**

Before: Bolger, Chief Justice, Winfree, Stowers, Maassen, and
Carney, Justices

Eric Forrer has filed a motion for an award of attorney's fees for prevailing on the constitutional issue (the only issue) in this appeal and the underlying superior court litigation. The State has partially opposed the motion. The State concedes that Forrer is entitled to an award of attorney's fees for work performed on the appeal, but argues that we should not award attorney's fees for work on superior court issues. The State also asserts that there should be a reduction in hours for a variety of reasons and that, although it does not contest attorney Geldof's hourly rate of \$350, attorney Kawasaki's hourly rate should not be \$300 but rather should be \$150 to \$200 at most.

We agree with the State that we should consider only Forrer's attorneys' time spent on this appeal and that we should remand to the superior court for consideration of an award of attorney's fees for superior court work. Having considered the submitted billing records, we also agree with the State that the appropriate starting date for appellate work is February 14, 2019; the billing records reflect work after that date only for attorneys Geldof and Kawasaki. Having considered the specific billing entries for attorneys Geldof and Kawasaki and the State's objections, full reasonable

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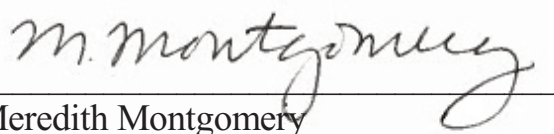
attorney's fees are AWARDED to Forrer as follows: 275 hours at \$350/hour for attorney Geldhof, for an award of \$96,250, and 40 hours at \$200/hour for attorney Kawasaki, for an award of \$8,000, for a total attorney's fees award of \$104,250.

Forrer also has requested reimbursement of costs, but his request includes costs associated with the superior court litigation as well as the appeal. Forrer shall submit a new Cost Bill under Alaska Appellate Rule 508(d), limited to costs associated with the appeal, for initial consideration by the Clerk of the Appellate Courts on or before **2/16/2021**.

We REMAND to the superior court the issue of an award of full reasonable attorney's fees and costs to Forrer as the prevailing party in the superior court litigation.

Entered at the direction of the court.

Clerk of the Appellate Courts


Meredith Montgomery

cc: Judge Pate
Trial Court Clerk - Juneau

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